

transplant searches and procurement from donors must be covered as well in order to truly save lives.

Bone marrow transplants are just one example of a clearly life-saving and medically appropriate and necessary procedure that needs to be covered by health insurance companies.

The Republican bill leaves medical decisions in the hands of insurance company accountants and not in the hands of those who know best: the doctor and patient.

The Republican bill does not ensure access to specialty care; does not prohibit HMOs from offering bonuses to doctors for denying necessary care; does not prohibit drive-through mastectomies; and perhaps, worst of all, the Republican bill does not hold the health insurance plans accountable when abusive practices kill or severely injure patients.

Despite what those who would rather squander extra dollars for the health industry say, these protections would not result in a significant increase in costs. A recent congressional study concluded that the right to sue, which is in the Democratic Patients' Bill of Rights bill, would result in only an extra \$2 a month per employee.

These are just some of the 16 protections that are missing from this Republican fig leaf of a bill that are included in the Democratic Patients' Bill of Rights bill. The Republican bill flies in the face of those lives who have been lost or severely impaired by an incomplete, unfair and sometimes ruthless HMO system. This legislation is seriously flawed not only because it is extremely partisan and has completely circumvented the legislative process, but also because it does little to resolve some of the most daunting problems facing Americans today.

GENERAL LEAVE

Mr. PALLONE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the subject of my Special Order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

ISSUES OF HIGH NATIONAL IMPORTANCE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from Georgia (Mr. BARR) is recognized until 12 midnight as the designee of the majority leader.

Mr. BARR of Georgia. Mr. Speaker, I would like to spend a few moments this evening engaging in what we used to as children called paint by numbers. The Speaker may recall those paint by numbers where, when you open a box of that paint by number, you are basically presented with what appears to be an incoherent picture, white with some black lines on it and some numbers. Only as you fill in the numbers so designated at some point does the full impact of that picture really become clear.

The paint by number picture about which I speak tonight has to do with

fundamental constitutional powers such as separation of powers and other very clear concepts and philosophy and powers designated explicitly or implicitly in our Constitution, in other words, very, very grave issues of high national importance.

The picture being painted by the administration is not one that is being painted directly through the normal time honored and constitutionally sound process of proposing legislation, fully debating that legislation, holding hearings on that legislation, making changes to that legislation, further debating that legislation, allowing Members and, indirectly, the American people to vote on that proposed legislation, reflecting their will, their desires, their needs, that is the will, the desire, and the needs of the American people, and then having a similar process of public vetting, as it were, take place in the Senate.

Then and only then would the President as the Chief Executive Officer of this country either approve or veto that legislation at which time, if it is signed reflecting, one presumes, the desires of the Chief Executive would it become the law of the land.

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It would be, thereafter, subject to whatever scrutiny those who object to it, who might object to it, would raise through our court system.

That is how the system ought to operate. And whether each one of us agrees or disagrees with any particular laws so passed and so signed by the President, at least we have had the opportunity and the American people have had the opportunity through their representatives in this representative democracy to have input, to have an impact, and to understand what it is that is being proposed to ensure to the greatest extent possible that it reflects their views, their needs and their desires. That is the way it ought to be. That is the way normally it is.

Over the course of our Nation's history, we have had dozens of presidents. By and large, each one of them has respected that process. They understand that process, and they abide by that process, because they know it is essential to the fabric and the continuing of this great country.

Unfortunately, Mr. Speaker, what we have currently is something quite different. We have an administration that is attempting to govern by executive order and rules and regulations; attempting to come in through the back door, as it were, when the front door has either not yet been opened or deliberately closed shut by the people's representatives in this great body.

When you see these numbers being filled in, Executive Order 13083, for example, it does become frighteningly clear what is happening in America through essentially a subversion of the process of governing laid out in our Constitution. I would like to mention briefly, Mr. Speaker, just a few exam-

ples of this process, or lack of process, this evening.

Let us start with the big picture. Federalism, that concept embodied in our Constitution and honed to a fine art through decades upon decades of activities here in this body and our sister body across the Capitol and at the other end of Pennsylvania Avenue and, indeed, as well through the court system.

On May 14, 1998, perhaps just by coincidence while he was outside the continental United States of America in England, President Clinton signed Executive Order 13083, on May 14, 1998. This is an Executive Order entitled simply "Federalism," similar in its title and in its prefatory language to an Executive Order issued 11 years ago, in 1987, by President Reagan.

There the similarity ends. The Executive Order on Federalism issued in 1987 by President Reagan was a blueprint that was consistent in every respect with the concepts of Federalism embodied in and contemplated by the founders of our Constitution, our Founding Fathers.

It basically served over the course of the last 11 years to set forth a policy of the Executive Branch of government that unless there was a specific power on which any and all Federal agencies or departments could base prospective action involving powers normally granted to, subsumed by or exercised by state or local governments, then, in the absence of such clear express authority, President Reagan's Executive Order directed that the agency or the department contemplating such action should not and would not move forward with it. In other words, it was a limiting Executive Order.

What we have, Mr. Speaker, in Executive Order 13083, signed on May 14, 1998, by President Clinton, is an Executive Order that, while it purports to embody concepts of Federalism similar to that put forth by President Reagan, it does exactly the opposite.

Executive Order 13083 is a blueprint providing justification for any agency or department of the Executive Branch to involve itself in any activity, particularly those normally subsumed by or exercised by state or local governments, so long as that proposed activity falls into one of nine categories of activities that are so broad as to encompass virtually any activity any administration would want to involve itself in.

For example, number one, when the matter to be addressed by Federal action occurs interstate; two, when the source of the matter to be addressed occurs in a state different from the state or states where a significant amount of the harm occurs; three, when there is a need for uniform national standards; four, when decentralization increases the costs of government; five, when states have not adequately protected individual rights and liberties; six, when states would be